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LOTTERIES AND GAMBLING.

BY ANTHONY COMSTOCK, SECRETARY OF THE NEW YORK SOCIETY
FOR THE SUPPRESSION OF VICE.

WHAT the Louisiana Lottery Company is doing for the State of Louisiana by corrupting officials, bribing public servants, destroying public morals, breeding crime and dishonesty, wrecking homes, and impoverishing the laboring classes, the pool gamblers of New York and New Jersey are doing for these two States.

Betting and gambling were denounced by the recent Methodist Ecumenical Council as two great vices of the age, and the necessity of suppressing them by vigorous legislation was most strongly urged. One of the morning papers, in commenting upon the action of this council and the gentlemen who made addresses upon this subject, made this very strange criticism :

“Laws are made, not to promote the spiritual welfare of men and women, but for the protection of society. Morality is very wisely left to the churches. . . . The church, not the state, must reform the gambler.”

If this means anything, it means that the state should not interfere with the gamblers of the day. But this sentiment every thoughtful man will dissent from and protest against.

Any act against public morals is a breach of the peace and indictable at common law. We find this principle laid down and established more than a century and a half ago under the common-law decisions of the English courts.

Any person who will reflect a single moment cannot but feel and see that the corrupting of public morals, either by intemperance, lotteries, gambling, or lewd and unclean publications, must be attended with the most disastrous consequences, and our courts of justice are, or ought to be, the schools of public morals.

Gambling and lotteries, obscene publications and houses of ill-fame, are all classed together by law-writers and courts as vices

which "tend to destroy public morals." Wherever these questions are discussed, either singly or grouped together, by the courts of any civilized nation, *what tends to corrupt public morals* (especially of that class in a community whose character is not so completely formed as to be proof against these corrupting influences) "is declared to be indictable."

This principle has been unanimously affirmed by the Court of Appeals of this State in many cases, and particularly in the case of *The People vs. Muller*, reported in the 96th New York Reports. The courts have been as emphatic and uniform in adjudging gambling in its various forms, including pool-selling, book-making, and lotteries, to be against public morals, as they have been in their denunciations of obscene and criminal publications.

The English Parliament in 1699 declared all lotteries a common and public nuisance, making void all lottery grants, and providing that parties conducting them henceforth should be prosecuted as *common rogues*. (1698, 10 Will. III., C 23.)

In the same year a body of ministers in Boston, Mass., denounced lotteries as "cheats," and the managers as "pillagers of the people"; and that sentiment has grown until every State in the Union but one has either laws or constitutional enactments against lotteries. From the highest to the lowest courts in this land, lotteries and the keeping of common gaming-houses have been declared "a public nuisance." The late Chief-Justice Waite, in delivering the decision of the Supreme Court of the United States, said :

"That lotteries are demoralizing in their effects, no matter how carefully regulated, cannot, in the opinion of this court, be doubted. Experience has shown that the common forms of gambling are comparatively innocuous when placed in contact with the widespread pestilence of lotteries. The former are confined to a few persons and places; but the latter infects the whole community; it enters every dwelling; it reaches every class; it preys upon the hard earnings of the poor, and it plunders the ignorant and simple." (*Stone vs. State of Miss.*, 11 Otto, 814.)

Again says the Supreme Court of the United States, in construing the constitution of Maryland concerning lotteries :

"The object to be accomplished was the suppression of a great moral evil, and to effect so praiseworthy and laudable a purpose the construction should be a benign and liberal one."

Bishop's "Criminal Law" places lotteries in the same category as the selling of untaxed liquors and houses of ill-fame.

The Supreme Court of the United States has repeatedly held "that nuisances injurious to public health and morality are among the most important duties of government to suppress." (Phalen *vs.* State of Va., Howard's *Prac.*, p. 168.)

The State of Louisiana stands upon the threshold of what threatens to be a bloody conflict. On the one hand are a few unscrupulous men managing a lottery enterprise; on the other hand are those who have lived in hopes that at the end of the twenty-five years of chartered life this monster would be buried out of public sight. Instead, however, with millions of ill-gotten gain at its command, this hydra-headed monster now has clutched the throat of the body politic of the State of Louisiana and cries, "Give! Give! Give!" even to the very last remnant of respectability and common honesty, and seeks to enforce its demands by an offered bribe of \$31,250,000.

For twenty-five years it has paralyzed industrious habits wherever its contagious touch has been felt. Public officials have been bribed and large sums of money have been offered by this lottery company, or its representatives, in order to intrench itself under police protection in communities where the laws prohibit its existence.

The very preamble of the charter of this lottery company condemns lotteries and witnesses against their demoralizing effects. It says: "Whereas, many millions of dollars have been withdrawn from and lost to this State by the sale of Havana, Kentucky, Madrid, and other lottery tickets, policy combinations, and devices, and fractional parts thereof, it shall hereafter be unlawful to sell, or exhibit for sale, any of them, or any other lottery," etc. The second section, authorizing a plundering scheme of their own, says that its objects and purposes are "the protection of the State against the great losses heretofore incurred by sending large amounts of money to other States and foreign countries for the purchase of lottery tickets and devices, thereby impoverishing our own people." It would be difficult to surpass this bold and daring demand of one State by official enactment proposing a legalized system of wholesale plunder upon sister States.

Louisiana proclaims to all other States by its enactment: "Lotteries are frauds. By their operation the people are plundered. None of you shall sell tickets in any of your lotteries in the State of Louisiana. But we propose to defy your laws and send

our tickets into every State in the Union, regardless of State rights, enactments by constitution, or laws prohibiting such traffic."

To show the greed of these public plunderers, we have but to call attention to the fact that a few years ago the price of their tickets was \$2 a ticket for ordinary drawings and \$10 a ticket for extraordinary drawings, making the total receipts each year of the tickets sold in all the drawings \$4,000,000. By the terms of their charter, 1 per cent., or \$40,000, was to be paid to the State of Louisiana each year. This sop to charity was nothing but an apology for the existence of this monstrous fraud.

Year by year they have increased the price of tickets, until now the ordinary ticket is \$20, and the extraordinary ticket is \$40. Tickets for ordinary drawings are divided into twentieths, each fractional part of a ticket being sold at \$1. Reckoning that all of these tickets have been sold, the income of this company has been thus increased from \$4,000,000 to \$28,000,000 per year. It was supposed that this vast increase of wealth would satisfy the demands of the unscrupulous board of managers. Not so. At the last meeting of the General Assembly of the State of Louisiana a bill was introduced to amend the present constitution, which prohibits all lotteries after 1893 (when this lottery charter expires), so as to extend the present charter another twenty-five years.

This atrocious attempt to prolong the existence of this public scourge aroused the loyal element in the State of Louisiana, and for a time it looked as if there was no possible prospect of such a measure passing the General Assembly. When it seemed as if it must fail, one of the managers boldly offered a bribe of \$31,250,000, payable \$1,250,000 annually for the next twenty-five years, provided the constitution be thus amended.

When this question came to final vote, it was found that the lottery company had just sufficient votes in the Assembly to carry it through the Assembly, and just sufficient votes in the Senate to carry it through the Senate. It went to Governor Nichols, and was vetoed in a ringing message by him. After the Governor vetoed it, it again had just enough votes to carry it through the Assembly, but when it reached the Senate it would seem as if Providence interposed to prevent its passage, as the member who was to give the necessary vote died, and the measure failed to pass the Senate after the Governor's veto. Then it was brought

by the lottery company before the Supreme Court of Louisiana on mandamus proceedings to compel the Secretary of State to publish this act. The Secretary of State contended that, as it had failed to pass over the Governor's veto, he was not obliged to publish it with the other acts of the General Assembly. The constitution of the State of Louisiana requires that all amendments to it, after passing the Legislature, shall be published a specified time before going to the people to be voted upon.

When the Supreme Court of Louisiana came to deliver its decision, it was found that the lottery company had just sufficient votes to carry it through the Supreme Court. One of the Supreme Court judges who voted in favor of this lottery scheme is the lottery candidate for Governor of the State of Louisiana at the coming election.

Only a few weeks ago the Democratic convention was held. The majority of the delegates who went to that convention were anti-lottery men when they went there, but when they came to organize it was found that the lottery company had just enough votes to organize in their interests. Now the issue is between the honorable citizens of Louisiana, on the one hand, and this organized band of public plunderers, on the other.

A prominent merchant from New Orleans a few days ago related to the writer an incident that illustrates how lost to shame, how utterly unprincipled, these lottery advocates have become.

In electioneering for the primaries recently in New Orleans, a procession was gotten up in the lottery interest, and it is said that nearly or quite six thousand men and boys were in line, each one supplied with a tin cup, and kegs of beer were carried along in the procession, while certain saloons along the line of march displayed signs of "Free Beer," and there the rabble could go in and swill beer without charge.

It would seem as if every spark of manhood had been quenched, as if those working for the perpetuation of this nefarious business had sunk all self-respect, all regard for decency and morality, in their zeal to reëngraft this cursed thing into the body politic of that State. This nation owes it to itself to wipe out this disgrace and end this infamy. Such tactics are but a bid for revolution and lynch law. They are too exasperating to be tolerated by decent men. The manhood of Louisiana is not only dragged in the mud, but is stamped upon by such outrages.

The administration of justice in the city of New Orleans, so far as the lottery interests are concerned, is a mockery and by-word. Public servants bend their necks to do the bidding of this lottery company. The managers boast that they have six millions of dollars in the banks of the city of New Orleans to be spent to carry through their amendments at the coming April election.

Anti-lottery societies have been organized, and prominent men are to-day, in the city of New York, endeavoring to secure help and sympathy for those in the State of Louisiana who have determined that this disgraceful sale of the State of Louisiana to an organized band of public plunderers shall not be consummated.

This nation is humiliated by the spectacle. There is need to be alarmed, for if this organization can collect together millions of money each year without returning any just or fair equivalent therefor, and can spend six millions to corrupt a single State election, what may it not do in the matter of corrupting and controlling national elections, where it requires less than three millions of dollars to meet the legitimate expenses of all parties to a Presidential election? Is it not time for something to be done to stay the wholesale bribery of officials and the corruption of the elective franchise? Is it not time for the moral people of the community to awaken from their lethargy and indifference, and take some decided steps to crush out this crime-breeder that has been for nearly a quarter of a century fattening upon the credulity of the people?

For five years this lottery company successfully prevented amendments to the acts of Congress concerning the transmission of lottery matter through the mails. But the last Congress enacted stringent laws despite their efforts, and the President promptly signed the enactment closing the mails effectually to all correspondence of every description relating to lotteries.

It would be difficult to picture the impoverishment of the poor of Louisiana; the demoralization of the young men; the beggarizing of women and children, and the increase of crime, growing out of this monstrous swindling enterprise. The same demoralization that exists to-day in the State of Louisiana, like a slow paralysis is creeping over the States of New York and New Jersey through the policy gambling and betting on horse races. This nation is fast earning an unsavory reputation because of gambling propensities. Moral and religious influences seem to

have no effect in checking this degrading passion. Year after year the gambling fraternity are becoming more and more strongly intrenched, while continued success renders them more and more arrogant and unscrupulous. Political leaders in both the Republican and the Democratic party, in localities where gambling is especially carried on, appear to be hand in glove with the principal "boss" gamblers.

The halls of legislatures are crowded with men intent upon amending liquor laws and gambling laws, so as to legislate away the rights and liberties of the people, and give the liquor traffic and the gambling fraternity the freest license to scatter their vicious influences.

Coming down from the halls of legislation, this dishonest and piratical crew enter the halls of justice and demand that the laws shall not be enforced against the members of their various fraternities. The hands of prosecuting attorneys are fettered by the command of political "bosses," or corrupted by the "hush-money" of those who grow rich by violating the laws of the land.

Underneath the surface, hidden from public view, there seems to be a positive understanding between political leaders and gambling "bosses" that if the gambling "bosses" pay liberally of the funds dishonestly taken from others, in support of local politics, the members of the fraternity so paying shall have immunity from interference or punishment by public officials.

The newspapers are brought under the same controlling influence by this fraternity, and while one column will give a sensational account of some murder, suicide, embezzlement, or defalcation growing out of the gambling craze, another column in the same paper will contain an account of the race-track and city pool-room gamblers, giving aid, support, and encouragement to these dishonest schemes by a daily publication of "tips" upon the various races.

Illegal liquor traffic, the banking gambling game, the policy-shop, the pool-room, the vendor of filthy publications, each and every one has maintained its existence by a system of paying political blackmail levied by political leaders or officials in the district where it belongs.

The time has come when thoughtful men should arouse themselves to the dangers that threaten the future of this nation from these degrading influences. The demoralization flowing from

these schemes has entered the marts of trade, honeycombed commercial institutions, and undermined the stability of banking corporations. Our young men are rendered dishonest and ruined by thousands each year. Many a beautiful home has been wrecked by the downfall of a once honored father and husband. A blight has fallen upon public interests. Disorder and crime run rampant, while the ceaseless miasma arising from these putrid streams poisons the atmosphere which surrounds the rising generation.

A few months ago in Albany a prominent society man with a family of five motherless children committed suicide. He occupied a position of great responsibility. Up to the time of his death he enjoyed the confidence of his employers and received a handsome salary. After his death it was found that he was a defaulter in a sum of more than \$100,000 ; that he had betrayed the trust of the company which employed him, and had embezzled its funds to gamble with. After his death, although his orphan children resided in a large and beautifully furnished house, it was found that there was not sufficient food to supply their wants in the house, and neighbors had to contribute to their support.

One of the daily papers a few days ago contained an account of a young woman who, with her husband, had been "playing the races." The husband lavished his money upon the professional gambler at the race-course rather than support his wife. She became desperate, went out upon the street, and in cold blood murdered her husband, because of his failure to support her.

Defalcations, embezzlements, forgeries, thefts, robberies, breaches of trust, suicides, and murders are breaking out in our midst as the harvest of this seed-sowing. Yet when these professional gamblers are brought into court they almost invariably escape with a nominal fine, and that, too, under a law which fixes a maximum punishment of two years' imprisonment and \$1,000 fine.

ANTHONY COMSTOCK.